

## **MINUTES**

### **UTAH PHYSICAL THERAPY LICENSING BOARD MEETING**

**May 3, 2011**

**Room 475– Fourth Floor, 9:00 A.M.  
Heber M. Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:03 A.M.

**ADJOURNED:** 11:00 A.M.

**Bureau Manager:**  
**Board Secretary:**

Richard J. Oborn  
Lee Avery

**Board Members Present:**

Mark A. Anderson, Chairperson  
Lindi Gordon  
Edmund L. Sperry  
Misha Bradford  
J. Trent Casper

**DOPL Staff Present:**

Connie Call, Compliance Specialist  
Ray Walker, Reg/Compliance Officer

**Guests:**

R. Scott Ward, University of Utah

#### **TOPICS FOR DISCUSSION:**

#### **DECISIONS AND RECOMMENDATIONS:**

#### **ADMINISTRATIVE BUSINESS:**

#### **MINUTES**

The Board reviewed the minutes from the February 22, 2011 Board meeting. Ms. Bradford motioned to approve the minutes with changes, seconded by Mr. Sperry. The motion carried unanimously.

Connie Call, Compliance Specialist

#1. Peggy Gurnett is in compliance with her stipulation. A recent drug screen was positive. In talking with her she used strong cleaners to clean the shuttles at her previous employment. Dr. Walton indicated that the numbers are consistent with using strong harsh chemicals. Now that she is no longer working for this company, her numbers are expected to fall within normal standards. Ms. Gurnett was asked to bring in a list of the cleaners she used.

#2. James Nackos is in compliance with his probation. He calls the drug screen everyday and has not missed a drug test. Mr. Nackos submitted his employer/supervisor reports and his support group attendance documentation. Mr. Nackos submitted his supervisor, Gordon Peters' vitae. Mr. Peters is not a licensed physical therapist; however, he is the president of the school.

**APPOINTMENTS:**

Peggy Gurnett probation interview

Ms. Gurnett met with the Board for her probation interview. Ms. Bradford conducted the interview. Ms. Gurnett gave the Board a list of the chemicals she was using while employed at the shuttle company. Ms. Gurnett advised the Board that she moved into a basement apartment of a friend's home. She has 2 job interviews for physical therapist positions this week. Ms. Gurnett stated that she attends 4 support meetings a week. She meets with her sponsor regularly. Ms. Gurnett stated that there have been no changes in her medications; however, Valley Mental Health downsized and she will be assigned a new psychiatrist. She will advise Ms. Call when she has more information regarding her psychiatrist and employment. The Board asked to see Ms. Gurnett on August 16, 2011. **Ms. Gurnett is in compliance with her stipulation.**

James Nackos, probation interview

Mr. Nackos met with the Board for his probation interview. Ms. Gordon conducted the interview. Mr. Nackos advised the Board that he attends support group meetings and meets with his sponsor regularly. Mr. Nackos states he attends 2 support groups and one aftercare. His family is his support system. He sticks to a schedule and works to keep a balance between professional and personal life. Mr. Nackos stated that his new supervisor, Mr. Gordon Peters, is the president of the school where he works. Mr. Peters will supervise Mr. Nackos until Dr. Erin Faraclas returns to work. Mr. Casper motioned to approve Mr. Gordon Peters as Mr. Nackos' temporary supervisor, seconded by Mr. Sperry. The motion carried unanimously. Mr. Nackos advised the Board that he did not attend the UPTA conference this year. The Board asked to see Mr. Nackos on August 16, 2011. **Mr. Nackos is in compliance with his stipulation.**

**DISCUSSION ITEMS:**

1. Inactive license status possibility for physical therapists

Mr. Oborn advised the Board that he was contacted by an individual licensed as a PT who expressed a concern because she was unable to obtain all of her CE hours and she did not meet the requirements to waive CE hours. She does not plan to return to work until 2012. Mr. Oborn stated that currently the PT statutes/rules do not allow physical therapists to place their license on inactive status. The Board requested Mr. Oborn to draft language to change the current rule to allow PTs and PTAs to place their licenses on inactive status. The Board asked Mr. Oborn to include language that clarified what the licensee would need to do to have their license placed back on the active status if their license has been inactive for a short time and if their license has been inactive for several years.

2. CE requirement

The Board reviewed a letter from Mr. Christiansen. Mr. Christiansen is asking the Board to reconsider the CE contact hour requirement for 'retired' or part-time licensees. The Board reviewed the current rule requirement and opted to not make any changes at this time.

3. Upcoming Board vacancy

Mr. Oborn advised the Board that Mr. Anderson is rotating off the Board June 30, 2011. The Board thanked Mr. Anderson for his term on the Board and his dedication to his profession.

Mr. Oborn shared with the Board that the Utah Legislature passed HB 243 during the last legislative session. The bill amends the DOPL Licensing Act (Utah Code 58-1). The Division now has fine and citation authority for the practice of unlicensed individuals and Board members with expiring terms may continue to serve for a limited period until the Governor appoints their replacement.

4. NPTE fixed-date testing

The Board reviewed the new FSBPT testing guidelines.

The Board noted that the exam will be given September 7, October 26 and December 5, 2011.

The Board discussed issuing a temporary license to allow individuals to work until the next available PT exam. Mr. Oborn reviewed the Division of

Occupational and Professional Licensing Act, 58-1.

**58-1-303. Temporary license.**

*(1) (a) The division may issue a temporary license to a person who has met all license requirements except the passing of an examination. In this case:*

*(i) the licensee shall take the next available examination; and*

*(ii) the temporary license automatically expires upon release of official examination results if the applicant fails the examination.*

*(b) The division may issue a temporary license to a person licensed in another state or country who is in Utah temporarily to teach or assist a Utah resident licensed to practice an occupation or profession under this title.*

*(c) The division may issue a temporary license to a person licensed in another state who met the requirements for licensure in that state, which were equal to or greater than the requirements for licensure of this state at the time the license was obtained in the other state, upon a finding by the division, in collaboration with the appropriate board, that the issuance of a temporary license is necessary to or justified by:*

*(i) a local or national emergency or any governmental action causing an unusual circumstance that might be reasonably considered to materially jeopardize the public health, safety, or welfare if a temporary license is not issued;*

*(ii) a lack of necessary available services in any community or area of the state from an occupation or profession licensed under this title, if the lack of services might be reasonably considered to materially jeopardize the public health, safety, or welfare if a temporary license is not issued; or*

*(iii) a need to first observe an applicant for licensure in this state in a monitored or supervised practice of the applicant's occupation or profession before a decision is made by the division either to grant or deny the applicant a regular license.*

*(2) The division may not issue a temporary license to a person who qualifies for one under Subsection (1)(a) more than three consecutive times within the three-year period immediately following the issuance of the first temporary license.*

*(3) The division may not issue a temporary license to a person solely because there is a competitive advantage enjoyed or a competitive disadvantage suffered by any party caused by the absence of a licensed person, unless in addition there is or will be a material risk presented to the public health, safety, or welfare.*

Ms. Bradford motioned to have Mr. Oborn put together language regarding a PT temporary license

for the Board to review at the next Board meeting, seconded by Ms. Gordon. The motion carried unanimously.

**Not on the agenda**

Mr. Oborn advised the Board that FSBPT will hold their annual conference in Charlotte NC, September 23-24, 2011. Ms. Bradford and Mr. Casper expressed interest in attending. Mr. Oborn will confirm the dates. Mr. Casper is interested in attending to represent Utah as a delegate.

Mr. Oborn shared comments from Governor Gary R. Herbert's State of the State address on 01/26/2011 with the Board. Mr. Oborn noted that Governor Herbert asked all state agencies to separate regulations that serve an important purpose from those regulations that serve no purpose at all. Mr. Oborn asked the Board to inform him of laws that they believe are overly burdensome to the physical therapy profession.

**NEXT MEETING SCHEDULED:**

The next Board meeting is August 16, 2011.

**2011 Board meetings tentatively scheduled:**

December 6

**ADJOURN:**

Motioned to adjourn at 11:00 A.M.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

**August 16, 2011**

Date Approved

(ss) **Edward L. Sperry**

Acting Chairperson, Utah Physical Therapy Licensing Board

**July 6, 2011**

Date Approved

(ss) **Richard J. Oborn**

Bureau Manager, Division of Occupational & Professional Licensing